

REMARKS/ARGUMENTS

The Office is requiring restriction in the above-listed application as follows:

- Group I: Claims 1 (in part), 2, 7, (in part), 8-11, 12 (in part), 13, 22-23, 24 (in part), and 25-26, drawn to a composition comprising a compound of formula I, where X is N;
- Group II: Claims 1 (in part), 7 (in part), 9-11, 12 (in part), 22-23, 24 (in part), and 26, drawn to a composition comprising a compound of formula I, where X is CH;
- Group III: Claims 3 (in part), and 4, drawn to a method of accelerating neurotrophic factor production by administering to a mammal a compound of formula I, where X is N;
- Group IV: Claim (3) (in part), drawn to a method of accelerating neurotropic factor production by administering to a mammal a compound of formula I, where X is CH;
- Group V: Claims 14-15, 16 (in part), and 17, drawn to a method of preventing or treating a motor nervous system or peripheral nervous system disease in a mammal by administering to a mammal a compound of formula I, where X is N; and
- Group VI: Claims 14-15, and 16 (in part), drawn to a method of preventing or treating a motor nervous system or peripheral nervous system disease in a mammal by administering to a mammal a compound of formula I, where X is CH.

Applicants have elected, with traverse, Group V: Claims 14-15, 16 (in part) and 17, for further prosecution.

Applicants respectfully traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden.

The MPEP, in subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

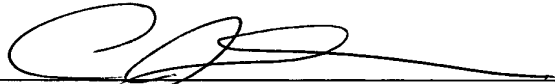
Applicants submit that a search of all the claims would not impose a serious burden upon the Office and therefore request withdrawal of the Restriction Requirement.

Applicants also respectfully traverse the Restriction Requirement on the grounds that the Office has issued many patents, such as US 6,969,713, US 6,911,448, and US 6,835,371, wherein piperidine and piperazine were examined in the same group. Given this Official precedent, Applicants submit that the methods of Groups V and VI, which respectfully employ piperidine and piperazine, should be searched at the same time. Applicants respectfully request withdrawal of the Restriction Requirement.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Charles J. Andres, Ph.D.  
Attorney of Record  
Registration No. 57,537

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)